

REMARKS/ARGUMENTS

With this response, claims 1, 3-6, and 8 -76 are pending. Claims 12-32, 35, 36 and 41-76 are currently withdrawn as directed to non-elected subject matter.

Claim Amendments

Claim 1 is amended to recite specific sequences for each of the blocks. Support for the various middle block sequences are found, for example, in original claim 5 (for SEQ ID NOs: 14, 15 and 18) and claim 9 (for the other sequences). Support for the structure of the endblocks is found, for example, in original claim 4 (SEQ ID NOs: 11 and 12).

Further support for the endblock sequences is found, for example, at paragraph [0020] of the specification.

Claim 4-6, 10 are amended to recite specific amino acid sequences.

In view of the amendment to claim 1, claim 7 is accordingly canceled.

Claims 8 and 12 are amended to correct claim dependency.

Claim 22 is amended to incorporate the limitations of the block sequences of claim 1.

Claim 27 is amended to provide a correct claim dependency to claim 22 by incorporating the limitations of claim 26.

These amendments do not constitute the addition of new matter. Applicant requests entry of the amendments to the specification and claims.

Withdrawn Rejections

Applicants acknowledge the withdrawal of all previous rejections except for the maintained rejections under 35 USC § 102 of *Wright and Conticello* (see Office Action, Item 9) and *Wright et al.* (see Office Action, Item 10).

Maintained Claim Rejections – 35 USC § 102

The Office apparently objects to the Declarations submitted under 37 CFR 1.132 as insufficient, inquiring as to “the specific contributions that each of the Inventors/Author contribute to the rejected claims.” Although Applicants traverse the Office’s characterization of the Declarations and the standard applied to those Declarations, in the interest of facilitating prosecution Applicants submit herewith a Declaration under 37 CFR 1.131 that establishes invention prior to the relevant dates of the cited references. In addition, Applicants believe the amendment to claim 1 that incorporates various limitations from claims 4, 5 and 9, as explained below, moots the maintained rejection with respect to *Wright et al.*

ITEM 9: The Office cites *Wright and Conticello*, Adv. Drug Deliv. Rev., Oct 2002, 54:1057-73) under 35 U.S.C. 102(a) for rejecting claims 1, 3, 4, 8, 11, 33, 34 and 37-40. Solely for the purpose of expediting prosecution, Applicants amend claim 1 by incorporating the limitations of claims 4, 5 and 9 to provide specific sequence structure to each of the blocks. Applicants note the Office cites Wright and Conticello as teaching an endblock, B, of the form [VPAVG(IPAVG)₄]₁₆ and alleges it corresponds to SEQ ID NO:11, which is currently recited as one endblock sequence in amended claim 1. Applicants believe the Declaration provided herewith establishes prior invention and removes this reference as art under section 102(a). Accordingly, Applicants request this rejection of claim 1, and all claims depending therefrom, over *Wright and Conticello* be reconsidered and withdrawn.

ITEM 10: The Office cites *Wright et al.*, Adv. Funct. Mater., Feb 2002, 12:149-54) under 35 U.S.C. 102(a) for rejecting claims 1, 3, 5, 33, 34 and 37-40. Solely for the purpose of expediting prosecution, Applicants amend claim 1 by incorporating the limitations of claims 4, 5 and 9, thereby obviating this rejection. In addition, Applicants submit herewith a Declaration under 37 CFR 1.131 that establishes invention prior to the

Wright et al. date. Accordingly, Applicants request this rejection of claim 1, and all claims depending therefrom, over *Wright et al.* be reconsidered and withdrawn.

New Claim Rejections

ITEM 12 (35 USC § 112): Claims 1, 3-5, 8-11, 33, 34 and 37-40 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Office alleges the “claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.”

The Office characterizes the claims as “drawn to an enormous and variable genus of protein copolymers with very little structural requirements and which are not required to have any sort of function.” Without acquiescing to the rejection and solely for the purpose of expediting prosecution, Applicants amend claim 1 to provide specific structure to each of the blocks. Claim 1, therefore, has sufficient structural definition to make claim 1, and all claims depending therefrom, compliant with the written description requirement. Applicant requests this rejection be reconsidered and withdrawn.

ITEM 14 (35 USC § 102(b) over West et al.) : The Office cites West et al. (Adv. Materials, 2000, 12(15):1105-10) in alleging claims 1, 3, 11, 33 and 34 are not patentable under 35 U.S.C. § 102(b). West relates to “telechelic BAB block copolymers of the water-soluble biocompatible polymer poly(ethylene glycol) (the A block ...)”. As noted by the Office, West teaches the A block portion is poly(ethylene glycol). Claim 1, in contrast, recites an A block portion having various amino acid sequences that are not taught or suggested by West. Accordingly, Applicants request the rejection of claim 1, and claims 3, 11, 33 and 34 depending therefrom, be reconsidered and withdrawn.

CONCLUSION AND REQUEST FOR REJOINDER

In view of the foregoing, it is submitted all pending claims are believed allowable and in condition for allowance. Passage to issuance is, therefore, respectfully requested. Applicants request the withdrawn claims be rejoined upon claim 1 being found allowable. In particular, various withdrawn method claims are specifically amended to include the limitations of claim 1 (see, e.g., claim 22 and claims depending therefrom (e.g., 23-25, 27, 67-70) and other withdrawn method claims include, indirectly, all the limitations of claim 1 (see, e.g., claims 21, 71- 76). Rejoinder of method claims depending from a patentable product claim is in accordance with Office procedure (see MPEP § 821.04).

REQUEST FOR EXTENSION OF TIME

It is believed that a fee for a three-month extension of time is due. The undersigned hereby authorizes that such amount be deducted from Deposit Account No. 07-1969 if the fee is not otherwise paid by EFS-Web. If this amount is incorrect or as necessary please credit any overpayment or deduct the appropriate fee, including any fee for any extensions of time required, from Deposit Account No. 07-1969.

Respectfully submitted,

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